



**REGULAR CITY COUNCIL MEETING  
FRISCO CITY HALL  
GEORGE A. PUREFOY MUNICIPAL CENTER  
COUNCIL CHAMBERS  
6101 FRISCO SQUARE BLVD.  
FRISCO, TEXAS 75034**

**5:30 PM**

**TUESDAY, JANUARY 03, 2012**

**MINUTES**

Mayor	Maher Maso	Present
Mayor Pro Tem	Pat Fallon	Present
Deputy Mayor Pro Tem	Scott Johnson	Present
Council Member	John Keating	Present
Council Member	Tim Nelson	Absent
Council Member	Bob Allen	Present
Council Member	Jeff Cheney	Present

**CALL TO ORDER**

1. **ROLL CALL**

Mayor Maso called the meeting to order at 5:33 p.m. with a quorum present and Councilman Tim Nelson absent.

Council has granted Councilman Nelson an excused absence until his return from active military duty.

Representing staff: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; City Attorney Richard Abernathy; City Secretary, Jenny Page; Assistant's to the City Manager Ben Brezina and John Eaglen; Finance Director, Anita Cothran; Library Director, Shelley Holley; Parks and Recreation Director,

Rick Wieland; Engineering Director, Paul Knippel; and Development Services Director, John Lettelleir.

## CLOSED SESSION

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:

Pat Fallon moved to Recess into Closed Session at 5:38 p.m. including Item 23, 29, and 30, in compliance with Section 551.001 et. seq. Texas Government Code, to wit;. John Keating seconded the motion.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

- A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:

- i. Receive legal advice from City Attorney concerning legal issues regarding Exide and lead issues.
- ii. Receive legal advice regarding housing concerns raised by Inclusive Communities Project.

- B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:

- i. South of US 380, North of The Colony city limits and North of 121, East of FM 423, and West of Preston Rd.

- C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Pat Fallon moved to reconvene into Regular Session at 6:58 p.m. Scott Johnson seconded the motion.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff

Cheney;  
Against: (None)

Mayor Maso announced that as a result of Closed Session, no action was necessary.

## **INVOCATION**

Deputy Mayor Pro Tem Scott Johnson led the invocation.

## **PLEDGE OF ALLEGIANCE**

Deputy Mayor Pro Tem Scott Johnson led the pledge of allegiance.

## **REPORTS**

### 4. [Financial Services Budget Status Reports - November 2011](#)

Finance Director Anita Cothran reported on the November 2011 Budget Status and was available for questions.

### 5. [Library report on usage and programming activities](#)

Director of Library Services Shelley Holley reported on usage and programming activities for the month of October. Ms. Holley presented a short video as the Year End Report.

### 6. [Parks and Recreation Monthly Report regarding Park and Trail Development, Facilities, Special Events and Youth Development.](#)

Parks and Recreation Director Rick Wieland reported on Park and Trail Development, Facilities, Special Events and Youth Development activities. Mr. Wieland presented the End of Year Report for the Frisco Athletic Center.

### 7. [Engineering Services Monthly Report on Roads, Traffic, Water & Sewer Projects](#)

Engineering Director Paul Knippel reported on Roads, Traffic, and Water and Sewer projects for the month of November and December. Mr. Knippel gave an update of projects coming in the near future such as Impact Fees Ordinance Update and an update of Engineering Design and Construction Standards.

Before moving on, Jeff Cheney asked when the Council Subcommittee Reports were going to be added to the Agenda that were discussed at the December 6, 2011 meeting. Mayor Maso replied that there had not been any meetings in

December so they will be placed on the Agenda for next month.

Since it was not yet 7:30 p.m., Mayor Maso moved to the Consent Agenda.

### CITIZEN INPUT (to begin approximately at 7:30 p.m.)

No one wished to speak and Mayor Maso returned to Item 29.

### CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Scott Johnson moved to Pull Item 23 from the Consent Agenda. Bob Allen seconded the motion.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

Jeff Cheney moved to approve the remainder of the Consent Agenda. Scott Johnson seconded the motion.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

Scott Johnson moved to Table Item 23 on the Consent Agenda until a future meeting. Pat Fallon seconded the motion.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

8. [Consider and act on approval of the December 6, 2011 regular City Council meeting minutes. \(CS0/JPage\)](#)
9. [Consider and act on \*\*Resolution 12-01-01R\*\* designating an official newspaper. \(CS0/Page\)](#)
10. [Consider and act upon approval of a software support and service agreement with EmergiData Enterprise Systems, LLC, for Rescue Medic electronic patient](#)

care reporting software and approval of a **Resolution 12-01-02R** authorizing the City Manager to execute an agreement for these services. (Fire/TJ)

11. Consider and act on **Resolution 12-01-03R** approving the terms and conditions of an application to the Texas Commission on Law Enforcement Officer Standards and Education for an Academy License and authorizing the submission of the applications by the Chief of the Frisco Police Department or his designee. (Police/TR)
12. Consider and act upon **Resolution 12-01-04R** authorizing the City Manager to execute a master agreement with Kimley-Horn and Associates, Inc., for On Call Professional Traffic Engineering Services, Contract Number 2012-001. (Engineering/BM)
13. Consider and act upon **Resolution 12-01-05R** authorizing the City Manager to execute a master agreement with Lee Engineering, LLC for On Call Professional Traffic Engineering Services, Contract Number 2012-002 (Engineering/BM)
14. Consider and act upon **Resolution 12-01-06R** authorizing the City Manager to execute a master agreement with Savant Group, Inc., for On Call Professional Traffic Engineering Services, Contract Number 2012-003. (Engineering/BM)
15. Consider and act upon **Resolution 12-01-07R** authorizing the City Manager to execute a master agreement with Brown & Gay Engineers, Inc., for On Call Professional Traffic Engineering Services, Contract Number 2012-004. (Engineering/BM)
16. Consider and act upon adoption of **Resolution 12-01-08R** authorizing the City Manager to execute Amendment Number 1 to the Professional Services Agreement by and between the City of Frisco and United States ROW Co. to perform Right of Way Acquisition services for Main Street (FM 3537) from Preston Road to Custer Road. (Engineering/JB)
17. Consider and act upon approval of the purchase of emergency vehicle preemption equipment, from Consolidated Traffic Control. (Engineering/TJ)
18. Consider and act upon **Resolution 12-01-09R** ratifying the City Manager's, or his designee's, disposal of City Surplus Property by donating the same to Frisco Family Services. (CMO/RP)
19. Consider and act upon **Resolution 12-01-10R** to review, approve and adopt the City of Frisco Investment Policy and Strategies (Financial Services/AC)
20. Consider and act upon approving **Resolution 12-01-11R** authorizing the City Manager to enter into an Interlocal Agreement for Taychas Trail, Phase 2, with

Collin County Parks and Open Space Funding Assistance Program (Parks/JED)

21. Consider and act upon **Resolution 12-01-12R** authorizing the City Manager to execute an amendment to an agreement by and between Bass Site Solutions LLC for additional work needed in coordination with the BF Philips Community Park Phase IV. (Parks/DR)
22. Consider and act upon **Resolution 12-01-13R** authorizing the City Manager to execute an agreement with Estrada Concrete LLC, for Hike and Bike Trail construction along Wade Blvd, from Preston Rd to Kirby Ln. (Parks/DR)
23. Consider and act upon approval of a Development Agreement between Stewart Creek Villas, LP and the City of Frisco, Texas and authorize the City Manager to execute the Agreement and to take all steps necessary to effectuate the same. (CMO/RA)

**LEGISLATIVE AGENDA**

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Bob Allen moved to approve the Legislative Agenda. John Keating seconded the motion.

Passed

Vote: 5 - 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

24. Consider and act upon adoption of **Ordinance 12-01-01** for a Specific Use Permit for a Licensed Child Care Center on 1.9± acres on the southeast corner of Lebanon Road and Deerwood Lane. Zoned Retail. Neighborhood #43. Case No. SUP11-0007 (Development Services/RC)
25. Consider and act upon adoption of **Ordinance 12-01-02** to rezone 2.0± acres on the southeast corner of Lebanon Road and Deerwood Lane from Townhome to Retail. Neighborhood #43. Case No. Z11-0019 (Development Services/RC)
26. Consider and act upon **Ordinance 12-01-03** establishing the maximum speed limit on FM 2478 (Custer Road) within the City limit of Frisco, which is contingent upon the acceptance by the Texas Transportation Commission and repealing Ordinance 07-05-19. (Engineering/BM).
27. Consider and act upon **Ordinance 12-01-04** establishing the maximum speed

limit on US 380 within the City limit of Frisco, which is contingent upon the acceptance by the Texas Transportation Commission (Engineering/BM).

## **REGULAR AGENDA**

28. Public Hearing: Z11-0013. A request to rezone 35.7± acres on the southwest corner of Lebanon Road and Teel Parkway from Townhome and Retail to Planned Development-Townhome, and consider and act to direct staff to prepare an ordinance of the same. Zoned Townhome and Retail. Neighborhood #37. (Development Services/SM)

Development Services Director John Lettelleir presented information on case Z11-0013. The applicant is requesting a Planned Development for the Church and has support from the HOA. The Planning & Zoning Commission recommended approval unanimously.

Bob Allen moved to open the public hearing. Scott Johnson seconded.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

Three people spoke in favor of the Church Planned Development.

Doug Peters, 1015 N. 98<sup>th</sup> Street, Ste 300, Omaha, NE, architect for the applicant, Holy Cross Church

Thomas A. McCall, 23 Canyon Crest Court, Frisco, Texas, member of Holy Cross

Karen Lettre, 2628 Caddo Court, Frisco, Texas, member of Holy Cross

Bob Allen moved to close the public hearing. Pat Fallon seconded.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

Bob Allen moved to approve Public Hearing: Z11-0013. A request to rezone 35.7± acres on the southwest corner of Lebanon Road and Teel Parkway from Townhome and Retail to Planned Development-Townhome, and consider and act to direct staff to prepare an Ordinance of the same. Zoned Townhome and Retail. Neighborhood #37. (Development Services/SM) Pat Fallon seconded the motion.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

Mayor Maso returned to Citizen Input since it was past 7:30 p.m.

29. [Discussion regarding upcoming state and federal primary elections and calling a "Special Election."](#) (MM)

City Attorney Richard Abernathy explained the process and changes that could still happen in regard to State redistricting. He explained how the redistricting relates to the State and City. Councilman Pat Fallon filed for Texas House of Representatives on December 15, 2011 resulting in a vacancy on the Council but is required to "holdover" in his position until he is replaced by an elected and qualified candidate. The City Charter, Texas Election Code and the Texas Constitution all require the Council to hold an election to fill the position within 120 days of the date the vacancy occurred. This Special Election to Fill a Vacancy time frame coincides with and overlaps the April 3, 2011 Primary and the May 12, 2012 City General Early Voting, Election Day, and Run-Off election dates causing confusion and restraints on possible dates for the election as well as considerable time and expense to the City.

30. [Consider and act upon whether to direct Staff to bring forward a Resolution to call a "Special Election."](#)

Council directed Staff to take no action at this time. City Secretary Jenny Page stated that the current deadline to order the election was February 1, 2012 unless the redistricting situation changes the deadline in the next few weeks. Mayor Maso asked to revisit this item at a future meeting to allow the citizens to voice their opinion.

31. [Consider and act on appointment of Tenant position to the Frisco Housing Authority.](#) (CSO/JPage)

Mayor Maso asked to take no action on this item and revisit at the next meeting and continued with the Supplemental Agenda.

### **Supplemental Agenda**

City Attorney Abernathy explained that the Frisco Charter Section 3.065 states that when a vacancy occurs in the position held by the Mayor Pro Tem, a new candidate shall be elected at the next regular Council meeting and since Councilman Fallon's position was officially vacant on December 15, 2011, this



was the next regular Council meeting.

Bob Allen asked Mr. Abernathy to clarify holdover provision. Mr. Abernathy explained that even though Mr. Fallon's position was officially vacant, the law allowed him to continue to be an active participant in Council activities until his replacement was elected and sworn in to allow the City to continue to function in the best interest of the citizens. Councilman Allen stated that he saw no reason that Councilman Fallon should not continue in this position.

After discussion, Bob Allen nominated Pat Fallon for Mayor Pro Tem. Scott Johnson seconded.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

Scott Johnson moved to recess into Closed Session at 7:59 p.m. Pat Fallon seconded the motion.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

Pat Fallon moved to reconvene into Regular Session at 8:46 p.m. John Keating seconded the motion.

Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff Cheney;

Against: (None)

32. [City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.](#)

- Subcommittee Reports
- Housing Authority appointment
- Special Election to Fill a Vacancy

33. [Discussion on Governance Monitoring of present City Council Meeting.](#)

Councilmember Jeff Cheney gave the council a grade of Satisfactory.

[ADJOURN](#)

Pat Fallon moved to Adjourn at 8:47 p.m. John Keating seconded the motion.  
Passed

Vote: 5 – 0

For: Pat Fallon, Scott Johnson, John Keating, Bob Allen, Jeff  
Cheney;

Against: (None)

*Please note these are preliminary results and are not official until approved at the next  
scheduled meeting. Approved/signed minutes are available at [www.friscotexas.gov/docs](http://www.friscotexas.gov/docs).*

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Maher Maso, Mayor

ATTEST:

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Jenny Page, City Secretary